IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5870 OF 2004

Shri N.V.Walawalkar i/b Shri G.H. Keluskar for the Petitioner.

Shri A.Y.Sakhare with Shri L.M. Acharya for the Respondents.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 6TH JULY,2005
P.C.:	
1. Impugned order is in two parts.	
2. By one part, directions were issued to the Defendants. But those directions are apparently based on the statement made by the Defendants themselves before the Court.	
3. Second part of the order allowed amendment in the plaint. Amendments that have been allowed, obviously,	

have been incorporated in the plaint to meet the objections raised by the Defendants about maintainability of the suit. Written statement of the Defendant has not yet been filed. It is nobody's complaint that the pleas which are being raised by amendments are barred by any law or any relief that is claimed by the amendment is barred by the law of limitation. Therefore, I do not find that the Court has committed any illegality in granting the amendments. Whether the Plaintiff would be in a position to prove the pleas that have been raised by amendments and whether the Plaintiff would be entitled to get the reliefs which are incorporated by the amendments cannot be considered at the time of granting the amendments. In any case the order granting amendments in the plaint is the order of interlocutory nature, therefore capable of being challenged with the final order that may be passed in the suit. Petition against that order cannot be entertained. For all these reasons, petition has been rejected.

. . .